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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
SENFI, BEHROOZ M	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/855,115
Filing Date: May 14, 2001
Appellant(s): MORRIS ET AL.

Kenneth D. Springer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/7/2005 appealing from the Office action mailed 5/20/2005.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,233,278	DIETERICH	1-1998
6,535,556	KATO et al	4-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 4 and 6 – 10 are rejected under 35 U. S. C. 102(e) as being anticipated by Dieterich (US 6,233,278).

Claims 5 and 11 – 14 are rejected under 35 U. S. C. 103(a) as being anticipated by Dieterich (US 6,233,278) in view of Kato et al (US 6,535,556). The grounds are being restated.

Regarding claims 1 – 2 and 6, Dieterich '278 discloses, a method for encoding of a digital video image signal in an encoder apparatus having a coding stage and an encoder buffer (i.e. figs. 1 and 6), and encoding image fields of the signal in compliance with a predetermined coding scheme (i.e. col. 13, lines 55+), and reading the encoded field data into the buffer and subsequently reading the stored data out of the buffer at a bit rate determined at least partially by the fullness of the buffer, and where in each image field is encoded as a series of slices each comprised of a predetermined number of successive lines of the field with a predetermined number of data bits allocated for the encoding of a slice, and the encoded data for the slice is read into the encoder buffer and subsequently read out therefrom on completion of encoding of the slice, (i.e. col. 14, lines 21 – 42).

Regarding claims 3 - 4, 8 and 9, Dieterich '278 discloses the claimed, intra-coded (i.e. col. 5, lines 52 – 53), and quantization levels is chosen with respect to number of bits allocated (i.e. fig. 6, rate control 630, col. 14, lines 40 – 47).

Regarding claim 7, the limitations claimed have been analyzed and rejected with respect to claim 2.

Regarding claim 10, the additional limitations, encoded digital video images coupled with a decoder for the encoded images, the decoder having an output coupled as input for the encoding stage, reads on (i.e. fig. 7, element 712).

Claims 5, 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterich (US 6,233,278) in view of Kato et al (US 6,535,556).

Regarding claims 12 and 13, Dieterich '278 teaches, a method for encoding of a digital video image signal in an encoder apparatus having a coding stage and an encoder buffer, which can receive the information from a camera or camcorder or any imaging devices or storage devices (i.e. figs. 1 and 6, col. 16, lines 58 – 63).

Dieterich '278 fails to explicitly teach, removable storage device comprises an optical disk.

However such features are well known and used in the prior art of the record, as evidenced by Kato '556 (i.e. col. 13, lines 55 – 65) teaches any memory device, such as hard disk and/or optical disk, as claimed.

Dieterich teaches using various kind of storage devices (col. 3, lines 28 – 30), therefore, taking the combined teaching of Dieterich and Kato as a whole, it would have been obvious to one skilled in the art at the time of the invention was made to use an, optical disk or removable optical disk as a storage device, which is an obvious variation over the teaching of Dieterich.

Regarding claim 5, combination of Dieterich '278 and Kato '556 teaches, slice comprises sixteen luminance lines (i.e. col. 4, lines 24 – 26 of Kato).

Regarding claim 14, the limitations claimed are substantially similar to claim 13, therefore the grounds for rejecting claim 13 also applies here.

Regarding claim 11, it is noted that, the combination teaching Dieterich and Kato is silent in regards to, source of the images are a remote source. Examiner takes Official Notice, to note that the above features are notoriously well known and used in the conventional, for example (video conferencing, communication/internet, video on demand/VOD and etc.).

(10) Response to Argument

Appellant's Arguments

Regarding claim 1, Appellant states (page 5, lines 5 – 7, page 6, lines 2 – 5 and page 8, lines 18 – 22 of the brief) that, Applicant see no mention in Dieterich of, reading data out of an encoder buffer at a bit rate determined at least partially by the fullness of the buffer.

Examiner respectfully disagrees. Dieterich (figs. 6 and 7, col. 3, lines 40 – 46, col. 6, lines 16 – 31 and 43 - 45) shows the buffer 690 and 714, and the arrows going in and out from the buffer, which indicates that the data being read in and read out from the buffer and are being controlled by the rate controller 630 and 710 to prevent overflow and/or underflow with respect to the size of the buffer.

Appellant states (page 6, lines 12 – 15, page 7, lines 13 – 16, 26 – 27 and page 10, lines 9 – 10 of the brief) that, Applicants see no mention in Dieterich of, encoded

data for a slice is read into the encoder buffer and subsequently read out therefrom on completion of encoding of the slice.

In response, the arguments regarding, encoded data is read into the encoder buffer and subsequently read out therefrom; have been addressed in the argument with respect to claim 1 above. As for arguments regarding, the encoded data for a slice is read into encoder buffer.

Dieterich (col. 14, lines 21 – 46) notes that the application is a slice process of an image, which is being encoded, and a bit budget management optimizes coding efficiency while controlling overflow and underflow conditions, which is actually based on the data/slice being read-in and read out from the buffer with respect to the completion state.

Respectfully submitted,

Behrooz Senfi

Examiner

Art Unit 2613

Conferees:

Mehrdad Dastouri

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER

Chris Kelley

PATENT LEGAL STAFF

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600